

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1634

Introduced by Senator Alarcon

February 20, 2004

An act to amend Section 17980.6 of, and to add Sections 17967.1 and 17993 to, the Health and Safety Code, and to amend Section 1808.4 of the Vehicle Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1634, as amended, Alarcon. Real property: substandard conditions.

(1) The State Housing Law authorizes a city, county, or city and county to designate and charge a department organized to carry out the purposes of the State Housing Law, or an officer charged with the responsibility of carrying out the State Housing Law, with the enforcement of this law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law for the protection of the public health, safety, and general welfare. The State Housing Law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the California Building Standards Code, the State Housing Law, and the other rules and regulations adopted pursuant to the State Housing Law pertaining to apartment houses, hotels, or dwellings, as specified.

The State Housing Law authorizes a city, county, or city and county enforcement agency to issue an order or notice to repair or abate a building to the owner if the building is maintained in a manner that violates any provisions of this law, the building standards published in

the State Building Standards Code, any other rule or regulation promulgated pursuant to the law, or a local ordinance that is similar to a provision in the State Housing Law, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered. Existing law requires the order or notice to include specified information.

This bill would authorize the enforcement agency or health department employee to issue an administrative citation for violations. The bill would require the building owner or owner's agent receiving an order or notice to abate to provide specified identification information to the city or county department that issued the order. The bill would authorize the department issuing the order or notice to provide specified notices in the event of noncompliance, after a reinspection. The bill would authorize the enforcement agency to charge the property owner for costs related to the issuance of the order or notice. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law authorizes the department to inspect the records of the various city, city and county, and county departments charged with enforcement of the State Housing Law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law.

This bill would encourage each of these departments to post on the Web site of the city, county, or city and county, a searchable database of inspections and violations of the State Housing Law and the California Building Standards Code, as specified.

(3) Existing law deems the home address of specified public officials that appears in any record of the Department of Motor Vehicles to be confidential, including any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances.

This bill would include within that class of public officials any active or retired city, county, or city and county enforcement officer engaged in the enforcement of the State Housing Law, the California Building Standards Code, or specified ordinances.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide



and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) In Los Angeles County alone, the county's Department of
4 Health found that over 13 percent of housing *units* are continually
5 in seriously dilapidated condition. The county has given these
6 apartments failing grades; where the health and safety of its
7 occupants have, and continue to be at risk despite citations issued
8 to landlords.

9 (b) Childhood asthma and allergies are on the rise, particularly
10 in low-income, African-American, and Latino communities, and
11 a major contributing factor are the health code violations in rental
12 housing that are going unchecked.

13 (c) Code violations include anything from vermin infestation
14 and mold growth. Other code violations from failing plumbing and
15 poor sanitation to structural problems also pose a serious threat to
16 health and safety.

17 (d) These conditions substantially endanger the health and
18 safety of the residents and the general public.

19 (e) Currently there are no statewide standards as to how
20 inspections are performed, how apartments are graded, or how
21 local government will enforce compliance. In many jurisdictions,
22 inspections are only conducted in the common areas of the
23 buildings, or the apartments are given a 100 percent score or
24 passing grade after only inspecting the outside of the units.

25 SEC. 2. Section 17967.1 is added to the Health and Safety
26 Code, to read:

27 17967.1. (a) The Legislature finds and declares that:

28 (1) A significant amount of information about code
29 enforcement violations and compliance or noncompliance is

1 available in electronic form in many jurisdictions, and other
2 jurisdictions are creating similar electronic files.

3 (2) Code enforcement violations exist in various disciplinary
4 areas, such as lead, mold, and asbestos health violations; fire
5 prevention and suppression defects; structural, electric, or
6 plumbing defects; and general nuisance problems. Correcting
7 these varied violations often require multidisciplinary responses,
8 but this information is not currently easily accessible to various
9 interested agencies and parties.

10 (3) Increased access to information about code enforcement
11 violations, failures to comply with code enforcement violations,
12 and related data by other public agencies, academic institutions,
13 and advocates for healthy families and safe housing will result in
14 more coordinated and effective efforts to enhance the health and
15 safety of California's children and adults and improve the
16 effectiveness of public and private code enforcement efforts.

17 (b) Each city, county, and city and county department charged
18 with the enforcement of building standards published in the
19 California Building Standards Code, this part and regulations
20 adopted pursuant thereto, and any local ordinances adopted to
21 enforce that code or this part, is encouraged to post on the Web site
22 of the city, county, or city and county, a searchable database of
23 violations of this part and the California Building Standards Code,
24 and any other residential structure violations readily available,
25 within the jurisdiction of the city, county, or city and county. The
26 database may include the address of the building, including
27 address number, street name, geographic direction of the street,
28 city, and ZIP Code, the date or range of dates of the citation or
29 notice of violation, and information regarding the compliance or
30 noncompliance with the citation or notice of violation.

31 (c) Each city, county, or city and county is encouraged to make
32 available to the University of California, the state university
33 system, or any nonprofit corporation any database that the city,
34 county, or city and county maintains to record the frequency and
35 specific types of violations of this part pursuant to the California
36 Public Records Act (Chapter 3.5 (commencing with Section 6250)
37 of Division 7 of Title 1 of the Government Code), except that the
38 city, county, or city and county shall provide information collected
39 for this database within the most recently completed fiscal year no
40 later than 14 days from the receipt of a request for this information



made pursuant to this subdivision and information collected for this database within the current fiscal year no later than the following September 15. In addition, if possible, the database shall be transmitted in an electronic text format. Data fields shall include, if possible, the address of the building, including address number, street name, geographic direction of the street, city, and ZIP Code, inspection date or range of dates, and inspection results. The University of California, the state universities, and the nonprofit corporation may not sell, rent, or exchange information that it obtains pursuant to this subdivision.

SEC. 3. Section 17980.6 of the Health and Safety Code is amended to read:

17980.6. (a) If any building is maintained in a manner that violates any provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, any other rule or regulation adopted pursuant to the provisions of this part, or any provision in a local ordinance that is similar to a provision in this part, and the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered, the enforcement agency may issue an order or notice to repair or abate pursuant to this part. An employee of the enforcement agency or a health department enforcing any provision of this part may issue an administrative citation pursuant to Section 53069.4 of the Government Code for any violation of this part, the California Building Standards Code, or any ordinance adopted to enforce this part or that code, if the owner or owner's agent has not complied with a notice of violation within the time ~~prescribed or if a violation recurs within the same structure within 12 months after a prior notice of violation for that violation.~~ *prescribed.*

(b) In addition to the requirements imposed by an order or notice to abate or repair issued pursuant to this section, after a reinspection and written notice of noncompliance with prior order or notice to abate or repair, the owner or owner's agent of a residential rental property owned by a nongovernmental entity shall provide the following information to the city, county, or city and county agency that issued the order or notice within 10 days of the date of the order or notice of noncompliance in a manner to be determined by the relevant city, county, or city and county agency:

- 1 (1) The name, business address, and telephone number.
- 2 (2) If the property is owned by a corporation, limited liability
- 3 company, partnership, limited partnership, trust, or real estate
- 4 investment trust, the owner shall designate a person who resides
- 5 in this state and who manages the property. The owner shall
- 6 designate this person in a manner to be determined by the relevant
- 7 city or county department or its designee. This designation shall
- 8 be accompanied by a notarized statement by this designated person
- 9 that she or he accepts the designation. The information shall
- 10 include the name, business address, and telephone number of the
- 11 person who manages the property. Where applicable, the same
- 12 information for the following persons shall be provided:
- 13 (A) For a corporation, a corporate officer.
- 14 (B) For a limited liability company, the managing or
- 15 administrative member.
- 16 (C) For a partnership or a limited partnership, a general partner.
- 17 (D) For a trust, a trustee.
- 18 (E) For a real estate investment trust, a general partner or an
- 19 officer.
- 20 (3) If the property is owned by a person who resides outside this
- 21 state, the owner shall designate with the relevant city or county
- 22 department or its designee a person who resides in this state and
- 23 who manages the property. The owner shall designate this person
- 24 in a manner to be determined by the board or its designee. This
- 25 designation shall be accompanied by a notarized statement by the
- 26 designated person that accepts the designation. The information
- 27 shall include the name, business address, and telephone number of
- 28 the person.
- 29 (4) The street address and parcel number of the property.
- 30 (5) The year that the building was built.
- 31 (6) The number of units in the building.
- 32 (c) The owner shall update the information required by this
- 33 section within 10 days after there is a change in the information
- 34 prior to compliance with the order or notice.
- 35 (d) Any order or notice pursuant to this subdivision shall be
- 36 provided either by both posting a copy of the order or notice in a
- 37 conspicuous place on the property and by first-class mail to each
- 38 affected residential unit, or by posting a copy of the order or notice
- 39 in a conspicuous place on the property and in a prominent place on



1 each affected residential unit and by first-class mail to each
2 affected residential unit.

3 (e) The order or notice shall include, but is not limited to, all of
4 the following:

5 (1) The name, address, and telephone number of the agency
6 that issued the notice or order.

7 (2) The date, time, and location of any public hearing or
8 proceeding concerning the order or notice.

9 (3) Information in plain language that the lessor cannot
10 retaliate against a lessee pursuant to Section 1942.5 of the Civil
11 Code and that the owner or owner's agent may not demand rent or
12 do any of the other acts prohibited by Section 1942.4 of the Civil
13 Code if after 35 days the violation is not corrected and the
14 conditions violate Section 1942.4 of the Civil Code.

15 ~~(f) If, upon a reinspection 35 or more days after the date of the~~
16 ~~initial order or notice to repair or abate a violation of this part, the~~
17 ~~California Building Standards Code, or an ordinance enacted to~~
18 ~~enforce this part or that code, the owner or owner's agent has not~~
19 ~~fully complied with that order or notice, the agency issuing the~~
20 ~~order or notice may, in addition to any other remedy of law,~~
21 ~~provide what it deems to be appropriate public notice of the~~
22 ~~violations and the failure to comply by the owner or owner's agent,~~
23 ~~including, but not limited to, the posting of notices on the affected~~
24 ~~property and written notices to any lender, insurer, or other person~~
25 ~~or entity with an interest in or relationship to the property. It shall~~
26 ~~be a violation of this part for the owner or owner's agent to remove~~
27 ~~any posted notice before the enforcing agency determines that the~~
28 ~~violations have been corrected.~~

29 ~~(g)–~~

30 (f) If a reinspection determines that there has been compliance
31 with any order or notice to repair or abate a violation issued
32 pursuant to this section, the property owner or the owner's agent
33 may request a notice of compliance with that order or notice from
34 the agency that certified the compliance. Upon payment of all fees
35 imposed pursuant to this section, the agency shall promptly
36 provide that notice of compliance.

37 ~~(h)–~~

38 (g) The agency issuing any notices or orders, or taking any
39 other actions pursuant to this section to enforce this part, may
40 charge the property owner for all costs incurred pursuant to this

1 section, including, but not limited to, document preparation and
2 reproduction, postage, and mileage costs.

3 SEC. 4. Section 17993 is added to the Health and Safety Code,
4 to read:

5 17993. Notwithstanding any other provision of law, the
6 owner, renter, or any other resident of a residential structure, or any
7 authorized representative thereof, shall receive a copy of any
8 notice of violation or citation issued by any local or state agency
9 pursuant to this part or any other law or ordinance governing the
10 construction, maintenance, use, occupancy, or health and safety of
11 that residential structure, or any part thereof, and any information
12 collected pursuant to subdivision (b) of Section 17980.6, subject
13 only to the costs imposed by the California Public Records Act
14 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
15 Title 1 of the Government Code).

16 SEC. 5. Section 1808.4 of the Vehicle Code is amended to
17 read:

18 1808.4. (a) The home address of any of the following
19 persons, that appears in any record of the department, is
20 confidential, if the person requests the confidentiality of that
21 information:

22 (1) Attorney General.

23 (2) State public defender.

24 (3) Members of the Legislature.

25 (4) Judges or court commissioners.

26 (5) District attorneys.

27 (6) Public defenders.

28 (7) Attorneys employed by the Department of Justice, the
29 office of the State Public Defender, or a county office of the district
30 attorney or public defender.

31 (8) City attorneys and attorneys who submit verification from
32 their public employer that they represent the city in matters that
33 routinely place them in personal contact with persons under
34 investigation for, charged with, or convicted of, committing
35 criminal acts, if those attorneys are employed by city attorneys.

36 (9) Nonsworn police dispatchers.

37 (10) Child abuse investigators or social workers, working in
38 child protective services within a social services department.

(11) Active or retired peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority specified in Sections 20403 and 20405 of the Government Code.

(13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody.

(14) County counsels assigned to child abuse cases.

(15) Investigators employed by the Department of Justice, a county district attorney, or a county public defender.

(16) Members of a city council.

(17) Members of a board of supervisors.

(18) Federal prosecutors and criminal investigators and National Park Service Rangers working in this state.

(19) Any active or retired city, county, or city and county enforcement officer engaged in the enforcement of the Vehicle Code municipal parking ordinances, the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), the California Building Standards Code, any ordinances adopted to enforce the State Housing Law or the California Building Standards Code, or any municipal or county nuisance ordinance.

(20) Any employee of a trial court.

(21) Any psychiatric social worker employed by a county.

(22) Any police or sheriff department employee designated by the Chief of Police of the department or the sheriff of the county as being in a sensitive position. Any designation pursuant to this paragraph shall, for purposes of this section, remain in effect for three years subject to additional designations that, for purposes of this section, shall remain in effect for additional three-year periods.

(23) State employees in the following classifications:

1 (A) Licensing Registration Examiner, Department of Motor
2 Vehicles.

3 (B) Motor Carrier Specialist 1, California Highway Patrol.

4 (C) Museum Security Officer and Supervising Museum
5 Security Officer.

6 (24) (A) The spouse or child of any person listed in paragraphs
7 (1) to (23), inclusive, regardless of the spouse's or child's place of
8 residence.

9 (B) The surviving spouse or child of a peace officer, as defined
10 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
11 2 of the Penal Code, if the peace officer died in the line of duty.

12 (b) The confidential home address of any of the persons listed
13 in subdivision (a) shall not be disclosed to any person, except for
14 any of the following:

15 (1) A court.

16 (2) A law enforcement agency.

17 (3) The State Board of Equalization.

18 (4) An attorney in a civil or criminal action that demonstrates
19 to a court the need for the home address, if the disclosure is made
20 pursuant to a subpoena.

21 (5) Any governmental agency to which, under any provision of
22 law, information is required to be furnished from records
23 maintained by the department.

24 (c) Any record of the department containing a confidential
25 home address shall be open to public inspection, as provided in
26 Section 1808, if the address is completely obliterated or otherwise
27 removed from the record. The home address shall be withheld
28 from public inspection for three years following termination of
29 office or employment except with respect to retired peace officers,
30 whose home addresses shall be withheld from public inspection
31 permanently upon request of confidentiality at the time the
32 information would otherwise be opened. The home address of the
33 surviving spouse or child listed in subparagraph (B) of paragraph
34 (24) of subdivision (a) shall be withheld from public inspection for
35 three years following the death of the peace officer. The
36 department shall inform any person who requests a confidential
37 home address what agency the individual whose address was
38 requested is employed by or the court at which the judge or court
39 commissioner presides.

(d) A violation of subdivision (a) by the disclosure of the confidential home address of a peace officer, as specified in paragraph (11) of subdivision (a), a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons, including, but not limited to, the surviving spouse or child listed in subparagraph (B) of paragraph (24) of subdivision (a), that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or the spouses or children of these persons is a felony.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

